

1 James P. Watson, Esq. (SBN 046127)
2 Anne Bevington, Esq. (SBN 111320)
3 STANTON, KAY & WATSON, LLP
4 101 New Montgomery Street, Fifth Floor
5 San Francisco, California 94105
6 Telephone: (415) 512-3501
7 Facsimile: (415) 512-3515
8 Email: AnneB@skwsf.com

9 Attorneys for Plaintiffs

10
11 UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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14 JOHN BONILLA as CHAIRMAN and KEN
15 WALTERS as CO-CHAIRMAN of the BOARDS
16 OF TRUSTEES FOR THE OPERATING
17 ENGINEERS HEALTH AND WELFARE TRUST
18 FUND, et al.,

19 Plaintiffs,

20 v.

21 K D H BACKHOE SERVICE INC. dba
22 H & H BACKHOE INC., a Business Entity;
23 WAYNE LEWIS HUMPHREY, an Individual; and
24 GEORGE CLAIRE HUMPHREY, an Individual,

25 Defendants.
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Case No. C-05-3259 EMC

**STIPULATION FOR DISMISSAL
AS TO CLAIM FOR INJUNCTIVE
RELIEF AND AS TO DEFENDANT
GEORGE CLAIRE HUMPHREY;
[PROPOSED] ORDER FOR
DISMISSAL**

27 The parties to this action, through their respective counsel, hereby stipulate to an order of
28 dismissal as follows:

- 29 1. Plaintiffs' claim for injunctive relief compelling an audit is dismissed as to all
30 defendants;
- 31 2. All plaintiff's claims against defendant George Claire Humphrey are dismissed;
- 32 3. Dismissal is with prejudice, each party to bear his or its own costs.

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1 Dated: October 23, 2006

STANTON, KAY & WATSON, LLP

2 By /s/ Anne Bevington

3 Ann Bevington
4 Attorneys for Plaintiffs

5
6 Dated: October 23, 2006

LITTLER MENDELSON, PC

7 By /s/ Richard N. Hill

8 Richard N. Hill
9 Attorneys for Defendants

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11 -----
12 **ORDER FOR DISMISSAL**

13 The parties having stipulated, IT IS SO ORDERED.

14 Dated: 10/24/06

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18 EDWARD M. CHEN
19 UNITED STATES MAGISTRATE JUDGE

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